

HEATHER E. WILLIAMS (SBN 122664)  
Federal Defender  
JAYA C. GUPTA (SBN 312138)  
Assistant Federal Defender  
2300 Tulare Street, Suite 330  
Fresno, California 93721  
Telephone: (559) 487-5561  
Facsimile: (559) 487-5950

Attorneys for Defendant  
MARC DAVIS

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff,

v.

MARC DAVIS,

Defendants.

No. 1:21-cr-00206-DAD-BAM

STIPULATION TO CONTINUE BRIEFING  
SCHEDULE AND HEARING DATE; AND  
ORDER

Date: February 23, 2022

Time: 1:00 p.m.

Court: Hon. Barbara A. McAuliffe

IT IS HEREBY STIPULATED, by and between the parties through their respective counsel, Assistant United States Attorney Kimberly A. Sanchez, counsel for the government, and Assistant Federal Defender, Jaya C. Gupta, counsel for defendant Marc Davis, that the briefing schedule set in this case be continued as set forth below.

Defense counsel asked to set a briefing schedule for pretrial motions in early October (ECF Nos. 25-26), and upon the parties' stipulation, the Court set the following briefing schedule (ECF No. 27):

- Defense motion to be filed on or before December 29, 2021;
- Government opposition to be filed on or before January 26, 2022;
- Any defense reply to be filed on or before February 9, 2022;

- Motion hearing to be set on February 23, 2022, at 1:00 a.m. before the Honorable Barbara A. McAuliffe, United States Magistrate Judge.

Due to defense counsel's other obligations, including a lengthy trial in Sacramento that lasted longer than was originally anticipated, defense counsel needs additional time to conduct investigation that may be relevant to the pretrial motions filed on Mr. Davis's behalf. Defense counsel has also recently made additional requests for discovery that may be relevant to the pretrial motions. In light of this, the parties ask that the current dates be re-set as follows:

- Defense motion to be filed on or before January 26, 2022;
- Government opposition to be filed on or before February 23, 2022;
- Any defense reply to be filed on or before March 9, 2022;
- Motion hearing to be set on March 23, 2022, at 1:00 p.m. before the Honorable Barbara A. McAuliffe, United States Magistrate Judge.

The time period from October 6, 2021 until February 23, 2022 was previously excluded. ECF No. 27. The parties agree that the time period from February 23, 2022 until disposition of the motion on March 23, 2022, shall be excluded under 18 U.S.C. § 3161(h)(1)(D) because the delay results from the filing of a pretrial motion, through the conclusion of any hearing on the motion, and the prompt disposition of the motion. *See* 18 U.S.C. § 3161(h)(1)(D).

Dated: December 21, 2021

HEATHER E. WILLIAMS  
Federal Defender

/s/ Jaya C. Gupta  
JAYA C. GUPTA  
Attorneys for Defendant  
MARC DAVIS

Dated: December 21, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

/s/ Kimberly A. Sanchez  
KIMBERLY A. SANCHEZ  
Assistant United States Attorney

**ORDER**

**IT IS ORDERED THAT** the briefing schedule on the defense motion is hereby re-set in accordance with the above. The defense motion is to be filed on or before January 26, 2022. The government opposition is to be filed on or before February 23, 2022. Any defense reply is to be filed on or before March 9, 2022. A hearing on the motion is hereby set for **March 23, 2022, at 1:00 p.m. before the Honorable Barbara A. McAuliffe**, United States Magistrate Judge.

Time shall be excluded until March 23, 2022, under 18 U.S.C. § 3161(h)(1)(D) because the delay results from the filing of a pretrial motion.

IT IS SO ORDERED.

Dated: **December 21, 2021**

/s/ *Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE